

1 GARY M. RESTAINO
2 United States Attorney
3 District of Arizona

4 JOSEPH BOZDECH
5 California State Bar Number 303453
6 Assistant United States Attorney
7 Two Renaissance Square
8 40 North Central Avenue, Suite 1800
9 Phoenix, Arizona 85004-4408
10 Telephone: (602) 514-7500
11 Email: joseph.bozdech@usdoj.gov
12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF ARIZONA

16 United States of America,

17 Plaintiff,

18 v.

19 2015 Ford Explorer bearing Arizona
20 license plate LMA82K, Vehicle
21 Identification Number
22 1FM5K7F8XFGB82372,

23 Defendant *in Rem*.

24 Case No.

25 **VERIFIED COMPLAINT FOR
26 FORFEITURE *IN REM***

27 Plaintiff United States of America brings this complaint and alleges as follows in
28 accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules
1 for Admiralty or Maritime Claims and Asset Forfeiture Actions:

2 Plaintiff
3 **BASIS FOR FORFEITURE**

4 1. This is a civil action *in rem*, brought to enforce the provisions of 8 U.S.C. §
5 1324(b) for the forfeiture of a vehicle used in the commission of a violation of 8 U.S.C. §
6 1324(a), which prohibits the transporting of illegal aliens in furtherance of their illegal
7 entry into the United States.

8 Plaintiff
9 **JURISDICTION AND VENUE**

10 2. This Court has jurisdiction because the United States commenced this
11 action and because it seeks forfeiture. 28 U.S.C. §§ 1345, 1355(a). Venue is proper in this
12

1 District because acts or omissions giving rise to forfeiture occurred in this District. 28
2 U.S.C. § 1355(b)(1)(A).

3 **DEFENDANT IN REM**

4 3. The Defendant *in rem* consists of a 2015 Ford Explorer bearing Arizona
5 license plate LMA82K, Vehicle Identification Number 1FM5K7F8XFGB82372 (the
6 “defendant vehicle”).

7 4. The defendant vehicle was seized from Theresa Janel Truelson in Casa
8 Grande, Arizona, and is currently in the custody of the United States Customs and Border
9 Protection in Tucson, Arizona.

10 **FACTUAL BACKGROUND**

11 5. On October 13, 2022, at approximately 5:00 p.m., Border Patrol Agent
12 (BPA) Leeza Renteria and Adam Sulli responded to a request for assistance from the
13 Arizona Department of Public Safety (DPS) with a vehicle stop on Interstate 10 (I-10),
14 near mile marker 213.

15 6. At approximately 5:20 p.m., BPAs Renteria and Sulli made contact with
16 DPS Trooper D. Brandt.

17 7. Trooper Brandt explained he conducted a vehicle stop on defendant vehicle,
18 a grey 2015 Ford Explorer bearing Arizona license plate LMA82K, for exceeding the
19 posted speed of 75 miles per hour (mph).

20 8. The defendant vehicle’s speed was registered at 100 mph with Trooper
21 Brandt’s laser speed device.

22 9. The defendant vehicle contained one driver and nine passengers.

23 10. BPA Sulli identified himself as a Border Patrol Agent and proceeded to
24 question the driver as to his immigration status.

25 11. The driver, identified as Ramirez-Calderon Josue Gael (“RAMIREZ-
26 CALDERON”), did not have any identification on his person and did not speak English.

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1 12. BPA Sulli determined RAMIREZ-CALDERON was a citizen and national
2 of Mexico and did not possess any proper documentation to be in the United States
3 legally.

4 13. For the safety of the individuals, BPAs had the passengers exit the
5 defendant vehicle and sit off to the side, far from oncoming traffic.

6 14. BPAs began to question all the individuals as to their immigration status.

7 15. BPAs determined the nine passengers were citizens and nationals of
8 Mexico who were not in possession of proper immigration documents as required by law.

9 16. The nine passengers freely stated they crossed the international border
10 illegally on October 12, 2022, near Nogales and were not inspected or admitted by an
11 authorized agent of the United States Government.

12 17. At approximately 5:40 p.m., SA Renteria advised the Tucson Sector Radio
13 (“KAK860”) the defendant vehicle would be seized.

14 18. SA Renteria provided KAK860 with the defendant vehicle’s vehicle
15 identification number (“VIN”) 1FM5K7F8XFG82372.

16 19. KAK860 found the defendant vehicle’s license plate LMA82K was not
17 associated with the defendant vehicle, but rather with a 2013 Dodge Avenger.

18 20. The nine passengers, RAMIREZ-CALDERON, and the defendant vehicle
19 were secured and transported to the Casa Grande Border Patrol Station for further
20 processing.

21 21. Upon arrival at the Casa Grande Border Patrol Station, the nine passengers
22 were identified.

23 22. The nine passengers and RAMIREZ-CALDERON were processed for their
24 respective immigration violation.

25 23. The defendant vehicle was seized.

26 24. The 2015 Explorer’s registered owner and claimant is Teresa Janel
27 Truelson (“TRUELSON”).

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1 25. TRUELSON has been connected to a number of alien smuggling events,
2 which are detailed below.

3 **August 18, 2022, Seizure of 2011 Subaru Outback registered to Theresa Truelson**

4 26. On August 18, 2022, BPA J. Saspe was assigned in the Casa Grande Patrol
5 Station area.

6 27. At approximately 1:30 a.m., Acting Watch Commander J. Alvarado
7 announced that the Pinal County Sheriff's Department had subjects in custody off I-10
8 and miler marker 200 at the Petro gas station and received a request for assistance from
9 the U.S. Border Patrol.

10 28. BPA Saspe responded to the call and arrived on scene at approximately
11 1:50 a.m. and spoke with Pinal County Sheriff's Office Deputy G. Sanders.

12 29. Deputy Sanders advised BPA Saspe he pulled over Randall Tate (TATE), a
13 U.S. citizen, for a traffic violation.

14 30. TATE was driving a 2011 Subaru Outback, VIN 4S4BRCCC6B3370307,
15 bearing Arizona temporary license plate U793909 (the "Subaru"). The Subaru was
16 registered to TRUELSON.

17 31. Deputy Sanders gave TATE a warning for the violation of § 28-730,
18 following at a distance of no greater than three car lengths.

19 32. In the vehicle with TATE were TRUELSON and six other subjects who
20 admitted to being unlawfully present in the United States without proper immigration
21 documents.

22 33. TRUELSON was in the front passenger seat of the Subaru.

23 34. The six other subjects were lying down in the back of the Subaru.

24 35. TATE and TRUELSON were placed under arrest.

25 36. Upon arrival at the Casa Grande Border Patrol Station, Deputy G. Sanders
26 searched the Subaru and found a small jar containing a white powdery substance with the
27 characteristics of methamphetamine under the passenger seat.

28 37. TRUELSON and TATE were questioned about the substance.

1 38. TRUELSON refused to answer questions about the substance.

2 39. TATE said he was unaware of the substance.

3 40. TATE had a criminal history.

4 41. TRUELSON had a criminal history and associated with narcotics.

5 42. The substance was later determined to consist of at least 13 grams of
6 methamphetamines.

7 43. Both TATE and TRUELSON were booked for violations of 8 U.S.C. 1324,
8 Alien Smuggling, and released.

9 44. The 2011 Subaru Outback registered to TRUELSON was seized.

10 **September 20, 2022, Stop of Rented Chevy Cruze Used for Alien Smuggling with**
11 **Theresa Truelson as Passenger**

12 45. On September 20, 2022, BPAs assisted in processing a driver in connection
13 with a 8 U.S.C. § 1324 conspiracy.

14 46. The driver, later identified as Spence Mitchell, a citizen of Mexico,
15 admitted to coming to Sonoita, Arizona in an attempt to transport subjects who were
16 unlawfully present in the United States.

17 47. The driver said that his scouts had told the driver that law enforcement
18 presence was “too high” and they would wait a few hours to try to pick up the subjects.
19 This was verified via text messages on his phone after he gave written consent to search
20 the phone.

21 48. After reviewing this information, BP personnel decided to clear marked
22 service vehicles out of the Sonoita Border Patrol Station area and keep in place only
23 unmarked BP vehicles.

24 49. At approximately 9:15 p.m., Supervisory Border Patrol Agent (“SBPA”) D.
25 Scott detected a white Chevrolet Cruze bearing Utah license plate T395CAS (“Chevrolet
26 Cruze”).

27 50. BPA’s records check on the vehicle returned to a rental company.

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1 51. BPAs know from experience smugglers often use rental vehicles to
2 smuggle individuals to avoid losses.

3 52. Agents from the Intelligence Collections Teams went out in a marked
4 vehicle to locate the Chevrolet Cruze.

5 53. BPAs located the Chevrolet Cruze near mile marker 38 on SR 82 in the
6 middle of the road. The Chevrolet Cruze was making a U-turn in tandem with a small
7 silver sedan.

8 54. BPAs followed the two vehicles, which were staying within car distance of
9 each other.

10 55. The use of multiple vehicles working together is a common tactic used by
11 human smugglers. Smuggling vehicles travel in tandem and will act as a guide or “heat”
12 vehicle. This makes it harder for agents to stop all the vehicles giving them an opportunity
13 to exploit the Sonoita Station’s minimal staffing levels.

14 56. During this time, the Sonoita Station had seen a trend of scouts coming into
15 Sonoita then bringing up the loaded vehicle. Smugglers had been exploiting the fact that
16 the checkpoint on SR 82 and SR 83 had been closed, and the I-19 checkpoint was
17 operational. This is significant because smugglers often use this route to avoid the
18 operational I-19 checkpoint.

19 57. Based on the actions of the vehicle, BPAs activated their lights and sirens.

20 58. The Chevrolet Cruze yielded, but the second vehicle, a Chevrolet Aveo,
21 bearing Mexico license plate WGC315A, continued.

22 59. Based on the BPA’s observations, they believed the Aveo was involved.

23 60. BPAs attempted to run checks, but due to radio communications, they
24 could not.

25 61. BPA Scott activated his lights and sirens and stopped the Chevrolet Aveo.

26 62. SBPA Scott approached the passenger side of the Aveo and began to speak
27 with the driver, later identified as Socorro Morales-Ramirez (“Morales-Ramirez”) and the
28 passenger Theresa TRUELSON.

1 63. SBPA Scott identified himself as a Border Patrol Agent and questioned
2 Morales Ramirez and TRUELSON as their citizenship.

3 64. TRUELSON began speaking over Morales-Ramirez and was answering for
4 her.

65. SBPA Scott asked Morales-Ramirez again and Morales-Ramirez presented
6 a Border Crossing Card.

7 66. When speaking to them, SBPA Scott heard from BPA Walworth that the
8 Chevrolet Cruze contained smuggled persons.

9 67. SBPA Scott was advised by BPA Walworth the driver of the Chevrolet
10 Cruze identified the Aveo as the scout vehicle and his cousin in the smuggling attempt.

11 68. Based on the new information, both Morales-Ramirez and TRUELSON
12 were taken into custody as part of this smuggling event.

13 69. BPA seized \$512.00 in U.S. currency from Morales-Ramirez, the driver of
14 the Chevrolet Aveo. The currency was administratively forfeited by CBP.

15 70. BPA seized \$6,294.00 in U.S currency from TRUELSON, the passenger of
16 the Chevrolet Aveo. The currency was administratively forfeited by CBP.

17 71. Prosecution was declined on TRUELSON, but accepted on the driver of the
18 Chevrolet Cruze.

19 | Theresa Truelson's Wage Report

20 72. CBP conducted a wage report on TRUELSON. The wage report returned
21 with the following:

22 a) In 2019, TRUELSON was employed by Robert Half International, Inc.
23 and earned \$9,959.00;
24 b) In 2020, TRUELSON was employed by Robert Half International, Inc.,
25 Vincent Benjamin Phoenix Construction and Albertsons and earned
26 \$10,829.57;

- c) In 2021, TRUELSON was employed by Vincent Benjamin Phoenix Construction and Robert Half International, Inc. and earned \$2,704.25; and,
- d) In 2022, TRUELSON was employed by Accounting Principles, Inc, AppleOne Employment Services, Robert Half International, Inc., and Acro Service Corp, and earned \$4,517.09.

Theresa Truelson's Criminal History

73. A check of federal, state, and local law enforcement indices revealed that TRUELSON has a criminal history which includes:

- a) In January 1999, TRUELSON was charged with Insufficient Funds-Checks/ETC. TRUELSON was convicted with probation.
- b) In August 2001, TRUELSON was charged with Insufficient Funds-Checks/ETC. TRUELSON was convicted with probation.
- c) In February 2022, TRUELSON was charged with Insufficient Funds-Checks/ETC. No disposition or information recorded.
- d) On September 20, 2022, TRUELSON was arrested for Transporting an alien who is unlawfully present in the United States; Conspiracy to Enter, Transport or Harbor Aliens; Conspiracy/Aiding or Abetting. Disposition is unknown.
- e) On January 12, 2023, TRUELSON was arrested for Forgery (felony), Forgery-w/written instrument (felony) by the Phoenix Police Department. On January 31, 2023, the disposition was deferred prosecution.
- f) On February 3, 2023, TRUELSON was arrested and charged with Smuggling Aliens in violation of 8 U.S.C. § 1324 by Customs and Border Protection in Lordsburg, New Mexico.

1 **Randall Wayne Tate's Criminal History**

2 74. A check of federal, state, and local law enforcement indices revealed that
3 Randall Wayne TATE has a criminal history which includes:

4 a) On June 16, 2016, TATE was arrested and charged with Petit Theft by
5 the Tampa Police Department. TATE was found guilty.

6 75. On October 28, 2022, U.S. Customs and Border Protection sent Notice of
7 Seizure and Information to Claimants CAFRA Form from Theresa Janel TRUELSON.

8 76. On November 28, 2022, U.S. Customs and Border Protection received a
9 claim from TRUELSON dated November 16, 2022.

10 77. U.S. Customs and Border Protection referred this to the U.S. Attorney's
11 Office January 13, 2023.

12 78. TRUELSON has been connected to alien smuggling events.

13 79. Since TRUELSON's October 13, 2022, involvement in alien smuggling
14 described in this complaint, TRUELSON was again arrested and charged with smuggling
15 aliens on February 3, 2023.

16 **CLAIM FOR RELIEF**

17 80. The defendant *in rem* is subject to forfeiture pursuant to 8 U.S.C. §
18 1324(b) as the vehicle was used in commission of a violation of 8 U.S.C. § 1324(a),
19 which prohibits the transporting of illegal aliens in furtherance of their illegal entry into
20 the United States.

21 WHEREFORE, the United States of America prays that process issue for an
22 arrest warrant *in rem* of the defendant property; that due notice be given to all parties to
23 appear and show cause why the forfeiture should not be decreed; that judgment be
24 entered declaring the defendant property be forfeited to the United States of America for

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1 disposition according to law; and that the United States of America be granted such other
2 and further relief as this Court deems just and property, together with the costs and
3 disbursements of this action.

4 DATED this 24th day of February 2023.

5 GARY M. RESTAINO
6 United States Attorney
7 District of Arizona

8 */S/ Joseph Bozdech* _____
9 JOSEPH BOZDECH
Assistant United States Attorney

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